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HEARINGS

Before The

Subcommittee on the Public Works Program

COMMITTEE ON PUBLIC WORKS

UNITED STATES SENATE

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EXECUTIVE SESSION

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WEDNESDAY, JULY 28, 1971

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United States Senate,

Subcommittee on Air and Water
Pollution of the Committee on
Public Works,

Washington, D. C.

The subcommittee met at 11:15 a.m., pursuant to recess,
in room S-207, the Capitol, Senator Edmund S. Muskie (chairman
of the subcommittee) presiding.

Present: Senators Muskie, Tunney, Cooper, Boggs, Baker,
Dole, Beall and Buckley.

Staff members present: Leon Billings, subcommittee staff
member; Thomas Jorling, minority counsel, subcommittee; James
Jordan, assistant to Senator Baker; Barry Meyer, chief counsel,
subcommittee; Hal Brayman, minority staff member, subcommittee;
Jerry Brecker, assistant to Senator Bayh; Phillip Cummings,
assistant counsel, subcommittee; Ward White, assistant to
Senator Dole; Richard Grundy, professional staff member; Bailey
Guard, minority counsel.

Senator Muskie. I have been fighting a bad throat since
last Friday, so I am going to leave the talking to other people
this morning.

We would like to begin with item no. 2, agricultural

run-off. I know that Bob is interested in this, and the first item we can pass over for the moment until he gets here, at least.

So the agricultural run-off provision which appears in the Committee print on pages 21 to 22 beginning at line 27 is now before us. I gather there is a new draft in your folder.

Tom, would you take this up? Perhaps what you ought to do is read it through.

Mr. Jorling. Let me just briefly preface how it will be distinguished from the version in print.

First of all, the elements that are involved in such pollution which require a separate section for the treatment of it in the staff's judgment is that it will take the states longer to develop the kinds of things required here because it is basically new to them.

The problems are more generic and less identifiable and will require a little different kind of analysis before they can prepare the kind of control measures required.

The second aspect is that in the staff print ---

Senator Baker. Can I stop you a minute? A late-comer always deters everybody else's progress, but what do you plan to do about this?

Mr. Jorling. I think we will get to that as we go through it.

Senator Baker. Tell me now briefly.

Mr. Goodison: To provide that since there is a large amount of pollution attributable to non-point sources, and to the extent that the program effort is focused on point sources, we are going to be required to address non-point sources.

So this provides a vehicle for them to begin systematic analyzing the non-point sources with respect to overall water quality, and to devise methods and schemes that would remedy the contribution that these non-point sources make.

Senator Baker. What I was talking about rather than mechanics is what can you do about non-point source pollution?

Senator Boggs. Non-point sources are acid mines, agricultural run-off, and what else?

Mr. Jorling. Construction-related run-off, and some storm sewers and irrigation and other kinds of diversion water and this kind of thing. These are identified specifically in each of the paragraphs.

Some of the specifics that can be done, we have consulted with a lot of people on what, for instance, can be done in agriculture. There are some very apparent things, and the Chairman point out yesterday.

In some areas, the practice of dumping manure on frozen ground followed by a rainstorm produces massive amounts of organic matter in the receiving waters. That is one area that could be repaired immediately. We would ask the Administrator to enter into an agreement with the Secretary of Agriculture

1 to dovetail some of the soil conservation kinds of programs to
2 this objective as well as to crop pollution and those kinds of
3 things, contour plowing, the application of fertilizers and
4 pesticides so that there is not over-application and applica-
5 tions at times that are inconsistent with water quality.

6 Senator Baker. You are talking about farming techniques
7 and the like rather than collection and treatment facilities?

8 Mr. Billings. That is correct.

9 Mr. Jorling. The other aspect in the staff print that was
10 objected to frequently was in the event the states did not come
11 in with what the Administrator thought was an adequate plan,
12 the staff print called for the administrator to enforce Federal
13 requirements.

14 The problem is that these problems are so diffused that if
15 the Federal government started to enforce such a plan you would
16 have a different relationship between the states and the
17 Federal government and the agricultural community.

18 So with that, I think, then, I can read through it, or
19 do you want to pick up and read?

20 Senator Baker. Do you do things like chlorinating storm
21 sewers?

22 Mr. Jorling. We hope to incorporate them into the
23 management ---

24 Senator Baker. That is not a non-point source?

25 Mr. Billings. Run-off from streets and parking lots, for

1 instance -- it is going to be an extremely difficult problem
2 to deal with. In some areas, catch basin systems may work.
3 Probably the greatest success that we will see in the next
4 decade or so is urban storm water run-off will be application
5 of some of the other simple design techniques to new sources
6 so that we can begin to cut back.

7 The difficulty is that all of these things that are
8 addressed here have a very high impact whenever they occur, a
9 very high impact on water quality, but none of them have been
10 the focus of real efforts to find ways to reduce them.

11 Mr. Jorling. For instance, on this construction problem,
12 Barry points out that under the highway law now you can receive
13 revenues to provide catchbasins associated with highway con-
14 struction to avoid this problem, but it is not done except under
15 great local pressure.

16 This would encourage people to use those kinds of require-
17 ments.

18 Senator Baker. What would you do about the strip mines?
19 Does that come under the non-point source?

20 Mr. Jorling. Yes, it does. There are some limited things
21 that can be done prospectively. Some degree on the slope ---

22 Senator Baker. It won't work. I just finished an exten-
23 sive tour of TVA stripping.

24 Mr. Meyer. Again, it may be that with some of the strip
25 mining the same catch basin technique can be used. This is an

ancient technique that hasn't applied in many cases.

Senator Baker. I won't watch the record long with an analysis, but I think with this the only way to do it is as with highways; rather than how you control it after it is done.

Mr. Meyer. The highway law does require, as a matter of fact it was back in 1966 that the Secretary of Transportation and his predecessor and the Secretary of Agriculture developed lines which were then published and presented to the states.

Senator Baker. Do you have in mind that this bill would require states to adopt a plan that would control the manner of strip mining in order to meet these requirements?

Mr. Jorling. With the caveat that new language has been inserted to set forth procedures, processes and methods to control such sources to the extent feasible.

Senator Baker. What does that mean?

Mr. Jorling. It means to the best you can, recognizing some of the technology.

Mr. Meyer. It will allow pressure to the need ---

Senator Baker. It won't be an absolute requirement?

Mr. Jorling. No. The way the language is written, there is no back-up authority.

Senator Baker. Pardon?

Mr. Jorling. No back-up authority.

Senator Baker. But anyway, you think there is a range of things that can be done as a practical matter to control

non-point sources run-off and that we can get them to start doing it, although we are not quite sure what we want them to do.

Mr. Jorling. There is a ~~ex~~rolary that provides that the Federal government will provide technical assistance to the states. The administrator will make available to the states and the public the latest available techniques and measures and what have you, that would be used to repair these kinds of problems.

That would bear on the "extent feasible" kind of questions. So there is some assistance provided in the states. They are not left to their own devices.

Senator Muskie. The technique here, then, is to require a program with authority on what objectives it ought to meet.

Mr. Jorling. I think theoretically the objective is to control the sources of pollution to control water quality standards, whatever they are. But we are not in a position, as we are with point sources, to specifically identify the actual controls that are required in an ultimate sense, but in an ultimate sense it is to move them in that direction, a direction which has been ignored in the water pollution program up to this point.

Mr. Billings. Nor are we in a position to recommend at this time that the Federal government has the capability to substitute its authority in these areas.

Mr. Meyer. My next suggestion in the draft is that I think a number of the problem areas are under the direct administration of other departments of the government, and there should be a very strong cooperation provision in this.

What the Administrator does, he does after he has been in this in some depth with them. The urban run-off problem is going to require some substantial input by HUD, since HUD will be approving programs which will result in urban run-off taking place.

Agriculture should be consulted with respect to agriculture, and Interior with respect to mining. The one that brings it up here is the one at the top of page 2, on salt water intrusion, since we have just been through this go-around on the Interior Committee on the role of the Office of Saline water and the processes they are working on.

Again, that is to avoid duplicative efforts.

Mr. Jorling. On page 16 of the staff print we have a subsection which requires the Administrator after consultation with the appropriate state agencies, and I am paraphrasing, information on processes and procedures to "control water pollution sources resulting from," and then a subclassification for the areas to be spelled out in this. Then there is a further declaration, more prefatory than legal, that the Administrator shall within six months from the date on enactment enter into an agreement with the Secretary of the Army and

1 "griseipare be program" for this purpose.

2 Mr. Meyer. Again, the only reason I raise the point is
3 that the administrator will end up promulgating the rules on
4 identification and procedures, processes and methods, and I
5 think that they should also be involved in that, or else they
6 will end up being advocates for those who will be fighting it.

7 Mr. Jorling. In other words, you are suggesting specif-
8 ically mentioning in the context of each of these the respective
9 Federal agencies?

10 Mr. Meyer. I would think so.

11 Senator Muskie. This provides no pressures to do anything
12 about the problem. There is no pressure. You say, "Each
13 state shall" do these things. If the state doesn't, there is
14 no penalty.

15 Mr. Jorling. In the context of the total legislation,
16 you have -- if you have a water quality standard which you are
17 trying to achieve and you are going to come in and seek a post-
18 ponement to that standard on the basis that you can't achieve
19 the cause of non-point sources, then the Administrator can
20 legitimately ask which of these programs have been put into
21 effect.

22 Mr. Meyer. Also a key is the management requirement under
23 209.

24 Mr. Billings. That has some limitations because concep-
25 tually 209 regions will not go into the areas, you know, like

1 In your rural areas you are not going to have very many regions.
2 You may not have any regions at all.

3 Senator Musrie. Well, we come down to this point. There
4 is nothing in this section to indicate any penalty for not
5 doing something about these problems, and none of the discussion
6 we have had thus far indicates that there is very much we can
7 do about these problems. If there is, then I would like to
8 know.

9 If an implied penalty of not doing these things is a pos-
10 sible rejection of a request for departure from the standard,
11 that ought to be made clear. If we are asking them to do some-
12 thing that is impossible, applying no penalty for failure to
13 do it, and yet somewhere down the road, in effect, providing a
14 penalty by the possible rejection of the departure from the
15 water quality standards, we haven't been very clear.

16 Mr. Jorling. The staff had a stick in the earlier print,
17 and there are some alternatives. Leon has something using
18 this as a vehicle in consideration of whether or not they can
19 meet the standard.

20 There is another one which has been suggested and language
21 has been suggested and language has been drafted which would,
22 if they failed to develop a satisfactory plan, use a disincentive
23 in the carrot sense, something like this, provided that
24 such an allotment, and this is the allotment under construction
25 grants, or it could be used in the program grants or any other

methods of giving financial assistance to the wastes, may be reduced paid an amount to to exceed some percent to each state if such state fails to submit to the Administrator required in Section 304 an implementation plan required in Section 304.

Then it provides that these amounts because of failure would be reallocated to other states.

Mr. Billings. Yet a third would be, or second, would be to mandate the action agencies, like the Secretary of Agriculture and the Secretary of Housing and Urban Development, to include in thier program grants requirements that these kinds of plans be developed.

Senator Muskie. Going down through them is, first, the requirement to identify agricultural sources, and then set forth procedures, processes and controls. Are there such procedures, processes and methods?

Mr. Billings. Not for all of them. I think Tom has defined that there are farm management techniques that will reduce agricultural waste levels.

Senator Muskie. If we are going to get into this business of controlling the application of pesticides and fertilizers, is this one of the control techniques that we want them to come up with?

Mr. Billings. It is an option available.

Senator Muskie. If it is, shoudn't that be a national policy? If this is a feasible kind of a way -- and I don't

know whether it is or not. I am not a farmer -- If this is a practical and feasible way to reduce agricultural run-off, if we know it is now, why should we not use it.

I have heard it suggested in discussion around this table, but is it practical in any real, significant sense to control the amount of fertilizer and pesticides that are applied on agricultural land for the purpose of controlling run-off?

Mr. Billings. It is not practical in terms of a national program to regulate what the farmer buys. That may not be practical on the state level. It may be practical on a county level.

In terms of Federal regulation, the staff believes that in insofar as ---

Senator Muskie. Apparently in something like that, if it is practical at the county level, it is practical on a national level. I don't buy that. How are you going to relate the amount of fertilizer or pesticide that is applied in the growing of a particular crop, whether it is one county to another or one state to another, in a way that is related to what is necessary for agricultural processes but which should be minimal for the purpose of the total concentration in a particular stream of the run-off?

Is there a relationship? How do you know to what extent a farmer over-applies fertilizer. It would seem to me that sheer economics is going to exert a greater pressure on him than

the run-off somewhere down the stream.

To what extent is over-application of fertilizer a problem, over application by a given farmer? To what extent is over-application of pesticides by a given farmer a problem? Can we imagine the one? We know that in total, of agricultural lands there is run-off into streams, but whether that is the product simply of the total application rather than excess application, nobody has decided, have they, if excess application is the problem, and is it? Has anybody made that determination in excess application?

Mr. Jorling. In some areas on some soils.

Senator Muskie. To what extent? Are we fencing with windmills? It seems to me the problem that comes from proper application, or the proper amount is probably a much more massive contributor to the agricultural run-off problem than excess application by inefficient farmers.

Is that a legitimate observation, or doesn't anybody have an answer?

Mr. Jorling. I suspect, based on present knowledge, that is accurate.

Senator Muskie. If that is the case, then the answer clearly isn't application of fertilizers, is it, or pesticides?

Mr. Billings. The regulation of the specific application, there the question is, is it in terms of fertilizers, and I think pesticides and fertilizers are two entirely different

1 things in terms of environmental quality,

2 Senator Muskie. The farmers up in the potato fields of
3 Maine, I don't think they overapply either, from sheer economic

4 Mr. Billings. Certain pesticides were over-applied by
5 their application, but what I started to say was that in terms
6 of the specific environmental effects of pesticides, the regula-
7 tory mechanism in this bill is not adequate.

8 The question of manufacturing controls is a lot more impor-
9 tant in terms of things like DDT than some kind of unenforceable
10 controls over the applications of those things.

11 Senator Muskie. What I am trying to focus on is whether
12 we just have the fringe of the problem here, or whether we have
13 the heart of it. It strikes me that fertilizers and pesticides
14 if they are permissible pesticides, and that gets to the ques-
15 tion of whether you ought to allow them at all, but fertilizers
16 and pesticides tend to concentrate in streams from a perfectly
17 proper application.

18 That is the heart of the problem and why don't we focus on
19 what means there are for dealing with that, rather than fooling
20 around with the idea that somehow by going to every farmer and
21 checking how much he puts into his spreader you can get the
22 agricultural run-off problem.

23 Mr. Meyer. Senator, it is my understanding from the recor
24 that was built in the Kansas City hearings that an awful lot of
25 the problem of pesticides and fertilizers and all the other

1 items listed here really comes out as a question of controlling
2 sedimentation because it is wrapped up in the soil that gets
3 washed off.

4 What it amounts to is basically some poor conservation
5 practices which should have been attacked a long time ago for
6 other reasons, but which are creating a water pollution problem.
7 I think if the Committee accomplished nothing more than more
8 effective sedimentation control we would at least substantially
9 reduce the load problem in the water pollution field.

10 Senator Muskie. I could buy that as a reasonable argument,
11 but what backups are there for it?

12 Mr. Billings. A lot of the testimony in the Kansas City
13 hearings supports what Barry says.

14 Senator Muskie. What is the answer to that? What is the
15 answer to that problem? Shall we write an answer into this
16 legislation?

17 Senator Baker. We are up against the same problem in that
18 respect that you are with highway construction and surface plan-
19 ning. You probably can't do much to control the application
20 of fertilizers, but you might do a little bit about the tech-
21 niques for retaining it.

22 Mr. Meyer. Yes. The highway law last year confirmed this.
23 In the 1970 act we insisted that there would be siltation
24 control.

25 Senator Baker. Looking down the road far enough to see a

1 result, is there likelihood then that you are going to have a
2 different type of agriculture, that is, a requirement that you
3 plough and contour at a certain angle to the run-off, or that
4 you build sedimentation pools, or what?

5 Senator Muskie. Is that what we are trying to start here,
6 an evolutionary policy-making that would result in EPA ---

7 Senator Baker. That is a long road.

8 Mr. Meyer. The suggestion that Leon made before is, again
9 I think the best that could come out of this legislation with
10 regard to these other things, because except for the agencies
11 directly under the control whose programs are under our control
12 we can legislate that Thou shalt do thus and so".

13 Here, we can suggest that the Administrator work with the
14 head of the agencies that have these programs to insure that
15 the programs do work toward this result.

16 Senator Muskie. Let me ask you this. We are talking about
17 setting deadlines and standards for water quality on a national
18 basis. This is a hit or miss kind of thing that will produce
19 an effort of X dimensions, but I expect will far short of
20 anything like the control of the problem we are talking about.

21 So you have got to have some understanding then, of the
22 extent to which agricultural run-off and these other non-point
23 sources actually degrade water quality.

24 Do we have any evidence, any documentation, any judgment
25 as to the extent to which these non-point sources degrade water

grilling later acceptable quality standards, below the standard that we have been talking about under the estimate of the Tunney amendment?

Mr. Billings. There is considerable evidence as a result of studies to show that acid run-off is rendering useless 14,000 miles ---

Mr. Meyer. Figure 14,000 in Appalachia.

Senator Muskie. 14,000 miles?

Mr. Meyer. 14,000 miles of streams in Appalachia have some degree of acid mine pollution.

Senator Baker. We have to consider the incentives you are going to offer for retardation of run-off. As Bailey pointed out, we have been trying to convince farmers since the Roosevelt Administration of that and we haven't succeeded.

A statute for that, a stiff Federal mandate, may be totally unenforceable.

Senator Muskie. You can see it with some fine streams.

Senator Baker. Yes. That is a very different thing, and highway construction is, surface mining of coal, or zinc or copper is a different thing.

But just plain surface runoff, I really wonder if there is a practicable enforcement.

Mr. Meyer. For example, not designing new towns, under HUD's authority they could do something in this respect. We are talking about large segments of areas, and in connection with working with the city and county planners on new development.

Fairfax County now has an ordinance which requires siltation control.

Senator Muskie. To what extent, and what is siltation, which is a visible sort of thing, to what extent does siltation by itself, with whatever accompanying, you know, chemicals or other pollutants that occur in urban environments, or rural environments, to what extent does siltation represent a degradation of water quality?

Mr. Billings. You mean natural siltation?

Senator Muskie. Siltation from anything.

Mr. Billings. In terms of a swimming standard, it has a considerable effect.

Senator Muskie. Health effect?

Mr. Billings. Turbidity is one of the biggest detriments to an esthetically and acceptable level of water quality for

1 swimming.

2 Senator Muskie. So now we are beginning to define swim-
3 ability. Swimmability, then, isn't dependent wholly upon the
4 health aspect of water, but also on the esthetic effects.

5 Mr. Meyer. Can we let Dick Grundy address himself to this
6 problem?

7 Mr. Grundy. The problem of urban runoff is thought of in
8 terms of the winter season, but in terms of the environmental
9 impact it tends to be greatest in the summer, associated with
10 thunder storms. Those occur when the stream is in a low con-
11 dition, and in the urban areas it washes off all the ferti-
12 lizers that have been applied in the urban area to stimulate
13 home gardens and parks and this kind of thing.

14 Also it represents the oils that have been spilled on the
15 streets, and it represents a major contribution in terms of
16 nutrients to the stream which stimulate in turn the algae
17 growth and these sorts of things.

18 The significance is that the stream is in a low-flow con-
19 dition, and the quantities involved represent significant
20 quantities in terms of that low-flow condition.

21 Senator Muskie. That is a judgment statement you have
22 made. But what actually has been measured? Do we know how
23 it compares to other forms of particular streams?

24 Mr. Grundy. The statement has been made that most of this
25 tends to go into the storm drains.

Senator JARVIS. This is percent good. It doesn't necessarily give you what I am talking about. The Northern Plains, for example, 28 percent of the stream pollution is attributable to agriculture. But it may be that there is no other pollution and 28 percent of what? If there is no industrialization in the Northern Plains, all this gives you is the percentage relative the other pollutions.

What I am looking for is absolutes. If you didn't have any other source of pollution in a particular stream, is the agricultural runoff problem of sufficient concern that it is measurable, has it been measured, and what is its impact and what uses -- I mean, to what extent would it take a stream out of the quality standard that Senator Tunney is proposing? This is only a percentage thing.

Mr. Grundy. In the testimony at Kansas City, it indicated that in that area of the country it tends to be comparable to that from municipal sources, and that it is a siltation problem. The silts take with them the fertilizers which are attached to them.

Senator Muskie. But how much fertilizer? The physical evidence of turbidity doesn't in and of itself tell you how much in the way of pollutants or nutrients there are.

Mr. Grundy. These materials that cause oxygen demand on the stream are comparable to those from municipal sources in this part of the country.

Mr. Billings. Mr. Chairman, another point which I think is important is that if you separate out the statistics we have, and don't separate out the animal waste problem, the problem of hogs, cattle and so on, you have greatly reduced the amount of waste attributable to agriculture.

Senator Muskie. Is a feed lot or a hogpen a nonpoint or a point source?

Mr. Billings. That depends. If you recall, in one program a feed lot of a thousand head of cattle and 750 dairy cattle are a point source. Unfortunately, you have got an awful lot of smaller ones.

Mr. White. If they are discharged directly into a stream that flows through the feed lot, yes, but otherwise it is not considered. Most of the feed lots are not being forced under the permit program.

Mr. Billings. What is the regulatory mechanism in Kansas? What is the size there?

Mr. White. 300 head for live or regular cattle, not dairy cattle. If a feed lot has more than 300 head, it had to get a permit. Under their permit program it is much more restrictive in Kansas, as it is in some of the other surrounding states, than it is under the core program.

Senator Muskie. Cattle can be made a point source by regulation.

Mr. White. Yes, and most of them are, because of the lagoon

system they have built.

Senator Muskie. But fertilizer and pesticide runoff can't be made a point source, can it?

Mr. Grundy. But the testimony in Kansas also indicates that these problems can be handled by land management practices and that the existing authority is available to do this, but it has not been funded.

Senator Muskie. What kinds of land management factors?

Mr. Grundy. I think Ward knows.

Mr. White. Bailey worked very hard on the program for the Soil Conservation Service to try to fund these, not only feed lot, but other conservation services, and they have some funding, but it is \$150 million or something like that.

Mr. Grundy. But the authority there is also existed, but it was never funded to implement the land management practices that are needed to control the siltation problem and the feed lot problem, which has not been tied into this legislation on environmental grounds.

It is purely predicated on loss of top soil and, in turn, loss of production.

Mr. Guard. What occurs to me is that every farmer in the country has for generations wanted to hold his top soil so that he can grow bigger crops. It is almost a tradition to pass that farm along to the next generation enriched and in better shape than he received it.

You have soil conservation districts organized under the
 SCS in, I think, every county in the United States. A lot of money
 is available for making conservation plans. In addition, you have
 the ACP program which is separate and now renamed REAP to provide
 payments for soil and water conservation practices.

Farmers all want the fertilizer to be available at the
 plant roots and not to run off and not to have the economic loss
 of having it run off the land.

These are nationwide efforts on hundreds of thousands of
 farms.

The obverse side of that coin is that now we are looking
 at the stream into which the sediment and the nutrients flow
 rather than looking at the soil, as we have done all these
 years, that they come off of. It seems to me it is the same
 problem, that you set up the EPA Administrator and the states
 with plans to try to tackle this problem anew is an enormous
 task.

On the other hand, if the EPA Administrator would work
 with the Secretary of Agriculture and encourage the Secretary
 of Agriculture in all these on-going programs to include the
 water pollution aspects of these practices into the existing
 programs, I think it would be very timely and we could make a
 lot of progress.

It gives me pause. It seems to me this is the work of a
 generation, and not a four-month implementation plan which you

1 quickly gather together and try to put in a book all the avail-
2 able conservation techniques and produce a land use policy.

3 Senator Muskie. To sum up what you have been saying to us
4 One, agricultural runoff by itself can be a sufficiently degrad-
5 ing pollution source so that the resulting water quality would
6 not meet the standards that we have been talking about.

7 Mr. Guard. Yes.

8 Senator Muskie. Two, the most effective control aside
9 from the sources, agricultural sources that can be made point
10 sources by one device or another is land management practices,
11 which mean soil conservation.

12 Mr. Guard. So the question that we must consider is
13 whether or not we should in this legislation try to stimulate and
14 even require, because I guess we would have to require it --
15 if we are going to try to achieve water quality objectives within
16 the framework of the deadlines, we must require the institution
17 of such soil conservation practices throughout the country
18 through the medium of this legislation.

19 Isn't that what it comes down to? If we are going to
20 require it, if we are going to mandate achievement of water
21 quality at a certain level within a certain deadline, isn't that
22 what it all comes down to?

23 Mr. Guard. That is correct, and if we do require it, it
24 seems to me it is a larger accomplishment than all we have
25 accomplished in all the years of the farm conservation programs.

Senator Jishie. All right. At least that gets a better grasp of what it is we are trying to tackle here.

Senator Cooper. The SCS programs and the county agent programs and even your watershed, they have personnel by the thousands to deal many, many times with individual farmers throughout the country. The farmers pretty well accept their advice.

Also they are paid for certain practices, and this is the way, I think, that you can reach the farmers more quickly.

Senator Boggs. Through the county agents. They are all over the country.

Senator Cooper. Every President for I don't know how long tries to cut that out. Bailey gave it a new name, "environmental," and kept the program going. We got the White House to accept it under a new name.

Mr. Guard. This whole mechanism, these several mechanisms, could be mobilized to place a top priority on pollution control, and to give emphasis to that effort.

Actually I think the farmers are probably doing better than anyone. One of the things that could be done is that the soil conservation districts, and a number of states have done this, give them jurisdiction right through the town and the farmers could begin to teach the people in the town how to control their sediment from urban construction and grass and crops and catch basins, and do many of the things in town they

1 have been doing in the country.

2 Senator Muskie. It seems to me one of the approaches to
3 this would be to mandate the Federal agencies to work with EPA
4 to develop these programs and to expand them to meet environ-
5 mental considerations. But it is going to be very difficult to
6 do that in a way which zeros in on deadlines to be set.

7 Secondly, we could require, it seems to me, through a
8 device similar to that spelled out in this language, but a
9 little tougher, the development of plans at the local level to
10 deal with those sources which can be made point sources, or
11 which are closer to being point sources, so that they can be
12 brought under any plan.

13 I don't see why you couldn't have both efforts undertaken.
14 At least that is my surface reaction to what you have said this
15 morning. In other words, you can bring feed lots and hogpens
16 and all that sort of thing and the point source kinds of con-
17 trol, and they ought to be part of the implementation plan,
18 but runoff, even urban runoff, is going to have to be handled by
19 agricultural practices, and we ought to give a tie-in here in
20 Washington rather than through the device of the state imple-
21 mentation plan.

22 Does that make sense?

23 Senator Baker. Yes, it does.

24 Senator Boggs. Yes.

25 Senator Baker. It makes a lot of sense, and if we integrate

1 it into the existing [redacted] program with the appropriate
2 caveat that they do the best we can. We probably would be doing
3 everybody a service. Because if we legislate specifically in
4 that field, we are going to be getting into six kinds of trouble.

5 On these nonpoint source items, there are no Federal guide-
6 lines, are there? There are no suggestions at all how a state
7 comes up with these plans, what criteria they may have?

8 Mr. Jorling. There would be under the bill for the first
9 time.

10 Senator Baker. Where?

11 Mr. Jorling. That appears on page 16, I believe, in the
12 criteria section, beginning on line 27, page 16.

13 Basically up until the present time the statement is a
14 hundred percent accurate. There has been nothing either in the
15 water pollution area or in any other area no information
16 directed at water pollution.

17 Senator Baker. Page 16?

18 Mr. Jorling. Yes, beginning line 27, subsection (F) (1) (A)
19 through (E). These are parallel to the provisions in section
20 304.

21 Senator Baker. Is this as explicit as the criteria we
22 set in other bills where we require states to submit a plan
23 within a mandated timeframe?

24 Mr. Jorling. The beginning of this is triggered back to
25 the language as follows: After date of publication of information

1 In section 101. That means the states are under no obligation
2 until the Federal Government has issued the criteria.

3 One point I was going to raise earlier to the chairman was
4 perhaps that the items in (2) in each of these paragraphs, where
5 you refer to procedures, processes and methods, you could say:
6 ". . . consistent with the criteria in subsection (f), section
7 301" rather than leave it uncertain as to how far they should
8 go there, rather than coming up with some independent preroga-
9 tives.

10 Senator Baker. We have a quorum coming.

11 Senator Muskie. What we talked about is the agricultural
12 runoff part of this problem. On acid mine runoff, I guess that
13 can be made a state responsibility, or we can get at that through
14 the implementation plan.

15 Senator Beall. One problem with the acid mine runoff, in
16 these other cases you stated that the state would come up with
17 a plan, the state goes to the farmer or contractor of whoever it
18 is. You understand one of the real problems of acid mine
19 drainage comes from abandoned deep mines. Are we saying that
20 the state do something about it and then not give t-em tools
21 with which to do it?

22 Mr. Billings. Senator Randolph put into the Water Quality
23 Improvement Act of 1970 to authorize a major program in the
24 problem of acid mine drainage. The abandoned mine problem, the
25 underground problem, does not have a technical solution today.

Senator Beall. Other than sealing the mine?

Mr. Billings. Over sealing the mine. They have tried some of the sealing processes, and sure enough the runoff pops up someplace else. So there isn't any technology available now to do that. So it would exclude it from this concept of feasibility.

Hopefully that kind of research will go ahead.

Senator Muskie. What is the prevention here?

Mr. Jorling. You can't prevent that kind of event reoccurring new major activities.

Mr. Billings. And strip mining is different from the underground.

Mr. Jorling. This is of a more prospective nature here.

Mr. Meyer. This almost has to be a prospective operation. Right now EPA, ARC and Interior are engaged in a couple of acid mine drainage control projects. What it looks like is a very long and very expensive operation if we ever go into it on a full-time basis.

The few experiments that have been completed so far have been failures as control is concerned, but that is with respect to deep mines which are no longer in operation basically. The question becomes what kind of practices can you implement in new mines and with respect to active strip mines.

We have got the problem of orphan strip mines, which Senator Cooper knows better than I; with the Appalachian program

1 on it. It becomes a question of money more than anything else.
2 How much money do you want to put into this?

3 Senator Muskie. If that is the case, is this the way we
4 attack the problem?

5 Mr. Billings. Prospectively, yes.

6 Senator Muskie. Even prospectively.

7 Senator Cooper. Let me ask a question on that. (B), the
8 last clause, and (2) set forth procedures and processes and
9 methods, including land use, and so forth.

10 Does that include rehabilitation, attendant rehabilitation
11 of the soil at strip mines?

12 In many states we have gashes cut on the hillside. Most
13 states have laws to require rehabilitation there, but unless
14 you require it continuously, just follow right behind the
15 operation, you get to the point at which you will never catch
16 up.

17 Do the guidelines and processes include rehabilitation of
18 strip mines?

19 Mr. Jorling. My answer would be "yes" on a couple of
20 grounds. One, these areas, once they are denuded, unless they
21 are rehabilitated produce not only an acid problem, but also a
22 severe sedimentation problem. So you have to go on a continuous
23 basis of rehabilitation to prevent the kinds of impact on water
24 quality which are hopefully to be achieved here.

25 So I think it would include rehabilitation. I think it

1 would also include if people start to read a lot of these things
2 together, the use of sludge and other effluents that might be
3 forthcoming, for the purpose of rehabilitating these kinds of
4 lands.

5 So I think EPA would have the flexibility to specify under
6 its criteria certain rehabilitation programs to these areas to
7 prevent acid and sedimentation pollution.

8 There is something I would like to present in connection
9 with Senator Beall's proposal. When we were talking about the
10 proportion of the Federal share in the waste treatment processes,
11 this is one of the areas this might be useful in, if the state
12 has an approved plan.

13 It also goes to the problem of what do you do to encourage
14 the states to carry out these programs? That could be a source
15 of revenue in the context of these programs high enough to make
16 it very attractive to the states where it wouldn't be attractive
17 enough to fund the construction grant program in the trust fund
18 sense.

19 So that is another kind of option besides the construction
20 grants, to allow them to use the industrial recovery portion.

21 Senator Muskie. Well, I think the vote is coming in two
22 minutes. Can we reassemble at two o'clock in this room and
23 take this one up and maybe finish this one and then go back to
24 the water quality question?

25 I think this has given us some perspective that will be

valuable.

Do you have some language?

Senator Penney. Yes.

(Whereupon, at 12:10 p.m. the subcommittee recessed, to reconvene at 2 p.m. of the same day.)

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...and, I think, it is a very important question, and I think it is a question that should be considered.

...and, I think, it is a very important question, and I think it is a question that should be considered.

In following up on yesterday's discussion, I think it is important to mention the water, and possibly even the water for irrigation. This is a very important question, and I think it is a question that should be considered. I think the word "water" is very important. It is a word that should be considered, and it should be considered, and it should be considered. I think the word "water" is very important. It is a word that should be considered, and it should be considered, and it should be considered. I think the word "water" is very important. It is a word that should be considered, and it should be considered, and it should be considered.

Senator McGowan: I will say this, I think it is a very important question, and I think it is a question that should be considered. I think the word "water" is very important. It is a word that should be considered, and it should be considered, and it should be considered. I think the word "water" is very important. It is a word that should be considered, and it should be considered, and it should be considered.

I think that is about the end of that discussion. The problem of water is a very important question, and I think it is a question that should be considered. I think the word "water" is very important. It is a word that should be considered, and it should be considered, and it should be considered.

Mr. Ryan: The problem of water is a very important question, and I think it is a question that should be considered.

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 2 he had been in the hospital, and that he had been in the hospital.

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11 he had been in the hospital, and that he had been in the hospital, and that he had been in the hospital.

to the same thing as publishing, it is the same thing as publishing.

Senator Tunney: All right.

Senator Tunney: It seems to me that we should have a committee or committee on this thing.

Let's go to the United States military committee and see what is available for us under authority of previous legislation. His staff, and we also have certain one hundred and one hundred committee staff.

The latter is legislative committee, United States is more in the nature of legislative committee, and I think perhaps we start with Senator Tunney's.

We will start with Senator Tunney's, and then we will see the staff's work.

Senator Tunney: Mr. Chairman, in the United States would like to make it very clear that the United States Committee does not have power of authority.

I feel there is no language that is contained in this that is original.

I simply, under the pressure of committee, I have attempted to detail as best as we could the United States Committee on this matter, and I have not been able to do so. I have not been able to do so.

Should we read the statement?

Senator Tunney: Yes. I think it is always good to have the statement read. It is always good to have the statement read.

TO APPROPRIATE IT,

Senator Conway, Plans.

NATIONAL MINIMUM WATER QUALITY STANDARD

The purpose of the Standard is to provide a basis for water pollution control efforts which will be particularly understandable and administratively enforceable, achievable within a time certain. Hopefully, this would furnish a basis for testing the adequacy of state implementation plans; would marshal research, development and financial resources into cost-beneficial priorities; and would require water use decisions to be made openly in a politically responsible manner.

A suggested outline of the Standard, as a framework to be addressed in state implementation plans, is as follows:

1. The Standard: Definition

"That level of water quality, identified by (a) criteria published pursuant to Section 301, which shall (1) sustain a balanced population of shellfish, fish and wildlife and (b) allow recreational activities in and on the water wherever natural physical characteristics of the waterway permit."

2. Inclusion and Coverage in Implementation

"The Administrator shall approve such plans or portions thereof if he determines that they were adopted after reasonable notice and public hearings and that such plans -

4. (a) The Commission shall, in accordance with the provisions of this Act, and subject to the approval of the Council of Ministers, make such regulations as may be necessary for the purpose of giving effect to the provisions of this Act, and may from time to time amend or revoke any such regulations.

(b) The Commission shall, from time to time, report to the Council of Ministers on the progress of its work.

5. (a) The Commission shall, in accordance with the provisions of this Act, and subject to the approval of the Council of Ministers, make such regulations as may be necessary for the purpose of giving effect to the provisions of this Act, and may from time to time amend or revoke any such regulations.

(b) The Commission shall, from time to time, report to the Council of Ministers on the progress of its work.

6. (a) The Commission shall, in accordance with the provisions of this Act, and subject to the approval of the Council of Ministers, make such regulations as may be necessary for the purpose of giving effect to the provisions of this Act, and may from time to time amend or revoke any such regulations.

(b) The Commission shall, from time to time, report to the Council of Ministers on the progress of its work.

7. Provision for Licensing of Water

8. (a) The Commission shall, in accordance with the provisions of this Act, and subject to the approval of the Council of Ministers, make such regulations as may be necessary for the purpose of giving effect to the provisions of this Act, and may from time to time amend or revoke any such regulations.

9. (a) The Commission shall, in accordance with the provisions of this Act, and subject to the approval of the Council of Ministers, make such regulations as may be necessary for the purpose of giving effect to the provisions of this Act, and may from time to time amend or revoke any such regulations.

10. (a) The Commission shall, in accordance with the provisions of this Act, and subject to the approval of the Council of Ministers, make such regulations as may be necessary for the purpose of giving effect to the provisions of this Act, and may from time to time amend or revoke any such regulations.

11. Provision for the Licensing of Water

12. (a) The Commission shall, in accordance with the provisions of this Act, and subject to the approval of the Council of Ministers, make such regulations as may be necessary for the purpose of giving effect to the provisions of this Act, and may from time to time amend or revoke any such regulations.

1. The Administrator shall submit proposed extensions of research and development or research training or educational opportunity awards or any other extension of the term of extension of time granted by such laws.

2. The Administrator shall submit proposed extensions of approval of an extension award. Each extension of approval and each extension shall take effect upon its approval by Congress within ____ days.

3. The Administrator shall determine the time limit on any such extension, and each extension shall be made for not more than five years (renewable for a period not exceeding expiration of any extension).

4. Any extension may be terminated by the Administrator at such extension altered, upon determination by the Administrator for purposes to review procedures regarding such extension. (See Act).

Senator Muskie: Is it intended that every extension be questioned by every governor. And every extension would be every governor for every extension must be reviewed and approved by Congress?

Mr. Mansueti: This is rather an overstatement. I remember when I worked on the Internal Security Act, that there was a certain number of extensions that were made by the President and the Commission did not report that it was a violation of the law. I think that would be the case with the Internal Security Act.

Dr. Williams: All rights reserved.

"(a) The national water quality planning process shall be that quality of water identified by the relevant authority pursuant to section 354 which shall (1) protect and enhance protection of a balanced community of wildlife, fish and wildlife, and (2) allow reasonable utilization of the water and, whenever natural physical characteristics occur in the water.

"(b) The Governor of each State shall within 60 days after the publication of criteria water quality standards adopt, after public hearings, and submit to the Federal Council water quality standards at least equal to the national water quality standard (which if appropriate shall provide for beneficial uses which shall be recognized for all surface and interstate waters in each State).

10 have been in England most definitely, and I am not
 11 personally familiar with that. I am not familiar with the
 12 situation in England, but I am not familiar with the
 13 situation in England, but I am not familiar with the
 14 situation in England, but I am not familiar with the

15 (10) The House has passed the bill, and I am not
 16 familiar with the bill, but I am not familiar with the
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21 (11) The House has passed the bill, and I am not
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25 (13) The House has passed the bill, and I am not
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 38 familiar with the bill, but I am not familiar with the

39 (18) The House has passed the bill, and I am not
 40 familiar with the bill, but I am not familiar with the

...and, therefore, it is not,

as the members of the class of "things" are.

However, the very thing described as "things" is not
 even the substance of the thing called "things" as
 it is not any.

"I would suppose that the substance of a thing is
 its own kind," he is saying, and says, "Therefore, the
 thing is substance by virtue of its own kind, and
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Now, the fact that it is not

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One thing that is not is that it is not
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Physical and biological sciences of all kinds, including
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"I'm not sure if it's the best idea."

"I'm not sure if it's the best idea," I said. "I'm not sure if it's the best idea."

"I'm not sure if it's the best idea," I said. "I'm not sure if it's the best idea."

"I think they are some of the best ideas," I said. "I think they are some of the best ideas."

"The thing is, I'm not sure if it's the best idea," I said. "The thing is, I'm not sure if it's the best idea."

"I'm not sure if it's the best idea," I said. "I'm not sure if it's the best idea."

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"I'm not sure if it's the best idea," I said. "I'm not sure if it's the best idea."

Senator Buckley: That would be the same as the situation presented by the presence of such a small amount of hospital.

Senator Buckley: And he has for sale of hospital. That what do he do?

Senator Buckley: He would not let the hospital.

Senator Buckley: He. That Virginia, Maryland, New York, they do not need the hospital.

Mr. Billings: Virginia, Maryland would take in to the hospitals with the other members of the group. In other the different cases.

That is under the administration and action, under Section 901.

Senator Buckley: I guess I asked him of the problem. I explained.

Senator Wayne: The Governor of Maryland could go to the Administrator to enforce his jurisdiction in the Governor's Virginia and West Virginia.

Mr. Billings: He could use the Administrator to enforce the water quality. Governor Macal could not use Administrator to put Governor Wolf in jail.

Senator Buckley: And we have problems of that sort now, where you have one state in the case of Maryland, they feel bringing the efficient as in a certain situation, and Virginia, Maryland, that we are upper reaches of the river.

1 Street and Baker Middleways, and York Street Middleways, and
 2 Lake View Middleways, and York Middleways, contribute to some extent to the
 3 York River.

4 Mr. Williams. The question will be put whether there
 5 no measures will be taken to reduce a further the discharges,
 6 the question arises, what would be required to be done?

7 Senator Buckley. That would be undisciplined.
 8 Mr. Williams. That is right.

9 Senator Butler. Yes.

10 Senator Buckley. Mr. Chairman, will you let me
 11 emphasize, I believe the objective of some of the measures
 12 that have been provided in the context of the water
 13 quality standards, that the Administrator must establish
 14 reasonable and enforceable standards, and he would be
 15 approve standards, as an action item. If the goal of
 16 attaining such standards seems to be impossible, rejection of
 17 the benefits to be obtained by initiation of such standards.

18 In this instance here, they refer to proposed secondary
 19 water quality standards, and that is only temporary, and
 20 refers to pollution sources, and it does not cover the
 21 economic costs.

22 Senator Buckley. What are you leading to a question, is
 23 that in a different situation, a group might be at issue
 24 money, and that there is no controlling quality standard, and
 25 clearly showing an effort to be made, and

I am fortunate that I have had a number of people who have been able to help me in the past. I am sure that I will be able to do so again in the future.

The following is a list of the people who have helped me in the past. I am sure that you have many people who have helped you in the past. I am sure that you will be able to do so again in the future.

Below is a list of the people who have helped me in the past. I am sure that you have many people who have helped you in the past. I am sure that you will be able to do so again in the future.

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Below is a list of the people who have helped me in the past. I am sure that you have many people who have helped you in the past. I am sure that you will be able to do so again in the future.

Now, however, let us look at the

the difference in the two systems. The first one is

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In the Kennedy proposal, the health and medical costs applies only to non-patient sources and not the patient sources, and I think there is a potential danger of partitioning, that as we say it is that all burden of costs would be required to achieve a standard is X number of costs, and exceptions would be granted only where hard financing was shown and the problem would come from the state working. I think it might well be considered later industrial, or even in the case of one, where the cost of reducing that without a 1000 discharges, in terms of resources of the community, of the total benefit, it might be demonstrated to a state that would be derived.

However, it might be considered by some
 participants, in that instance, the administration would be
 able to say it is an impossible one, related to the
 possible benefit that might be involved, and, therefore, it
 will need at some, a more modest approach to this question.

Detector media, right I cannot do that. I think
is mind, exploits the other implications of these systems, and
then return to yours so that it can examine it in the light
of the implications, which I do not fully understand. But I
have not had enough time to direct it.

more when the national standard is not met, and I think
 difference I want because the national standard is not
 met.

I was not shaking it down there. But I was shaking
 it up offhand that you have the national standard and you
 are using below the national standard. I think you
 easily see where other members of the Committee think we
 will want to have language like "adequate, useful and
 essential, because--"

Well, if benefit is added up into paragraph one, it
 just it would be applicable to point sources, as well as non-
 point sources, that I am understanding.

My own preference would be that we should be able
 by 1980 to have a development of treatment facilities--
 out the United States cost any efficient unit and we have
 wastewater from point sources would not suggest that point
 below the national standards, but as far as the Committee goes,
 I think the staff ought to speak to it, as I said paragraph 10
 they include point sources there, is that your position?

I think your escape hatch includes point sources--
 Senator Muskie. That is correct.

Mr. Jordan. All three of these, (A), (B) and (C) are
 to be added. It says one or more sources at a location or
 would be equal with production of such flow, whether it
 necessary technology available.

Mr. Williams. When I mentioned it I thought it was
 today, through a technical error, and I thought I should
 be honest with you about it. The individual I mentioned there
 about is a good example of how to deal with the matter.

Senator Buckley. Is better today, you are not from your
 technology, except that you are doing to get, and I think
 the thing, because the operative language was the thing
 given on the basis of hearings.

I want to justify a idea would be there for many
 benefit ratio would be.

Mr. Jordan. For the Committee, what I think we
 are saying, the benefits to only those things that are
 not covered by (a).

Mr. Carling. Are you saying that the word available
 should be qualified by something that Senator Richard has
 suggesting?

What you are concerned about is the interpretation.

Mr. Jordan. Yes, by available, meaning the available
 rates that were reasonable benefits that would be covered.

Senator Muskie. As I read the staff report, if
 technology relates to economically, it does not have anything
 to do with it at all.

Mr. Jordan. That is right.

Mr. Carling. What is is mentioned in the report, the
 of scientists would have been able to determine that that is

and had the military spend the money.

Senator Jordan. I would like know if the military or military had I would like and enough money, the number of the bill, we have a pretty good amount.

I forget what is there, we are not talking money available in the name of money to develop something that is for you.

You can talk about available, we need available in the name that it, it is available to put into a plant, even though it has not been marketed over a period of time, but it is available, it has been tested sufficiently, it is a new technology, one that is available.

I think we said it better than in that Committee house and I suggest we might take that out and look at it, but it seems to me this is a more realistic kind of looking at the technologically possible business.

What is technologically possible, I am not going to define that.

We seem to presume in America that anything is technologically possible.

Mr. Jordan. I am talking about an industry, that is a principal source of employment, and say something of amount of capital for no discharge, you might possibly have a community so that you might have something, but the the number would be over something, but instead you have

technology appearing rapidly upon the horizon. I am not sure we
 can describe this entire spectrum at this time. But we will have
 a number of things that will answer a people's need for the answers
 as for that hold line of advancing technology.

Senator Muskie. Well, the Committee scheduled a 10
 month study. Finally, that is what we need as we get answers
 to the implications of this.

Senator Neitsen. Mr. Chairman, this would be a good
 standard.

Senator Muskie. If we deliver a spangly one, that we
 could not test any of these.

You have to have a sound one to see if you are Committee
 and possible kind of performance standard.

Senator Tunney. I prefer the language of the
 Committee, where you talk about technology not available,
 as technology impossibility.

I think the Chairman's position is correct.

Senator Muskie. The question was asked by Senator
 Neitsen, and I think I have a better understanding of your
 points, is whether we should get into this a way of measuring
 or balancing the economic costs against the progress to be
 achieved.

I do not like to test economic feasibility, and
 we have been abused too long. The balance of power

Senator Muskie. I will not want and cannot be a

1 ... the industry about which has been discussed and discussed, and
 2 some kind of source, and I do believe that it is of the
 3 highest order.

4 Senator Bentsen. By far you have stated what would be
 5 and what be considered in the future on all of the points
 6 mentioned.

7 That is really what Senator Bentsen is saying, and
 8 and you seek to raise what possibility of some other, that
 9 costs you have out of all competition to the willful
 10 benefit. That is what he is getting at.

11 Senator Bentsen. That is right.

12 Senator Muskie. And neither prior at this point
 13 provides it.

14 Senator Tunney. For point source, it certainly does
 15 not.

16 Senator Muskie. There is no economic need either.

17 Senator Tunney. I have two in my hat source, however.

18 I personally did not do that purposely with regard
 19 to point source, but I can always retreat on my position.
 20 I think under a certain set of circumstances, it is necessary
 21 to retreat.

22 Senator Muskie. In a sense the staff report is
 23 about available technology. I did not get some information
 24 this morning to read that there is available technology.

25 Mr. Judd. Well, that is what I was going to say.

will, in copy of the drawings, which may be made in terms of copies, they may be received, and in some of the purposes of the control of public water, it is a standard.

There are very small amounts of reduction, you just finally taper off, when you get down to that last part of the ninety percent reduction, it is very likely that the -- will be very great, and the amount of control achieved will be small.

Senator Bentsen. But that does not violate the
standard at all. It says if there is no reasonable

Mr. Billings. I am just trying to clarify a point.

Senator Bentsen. I do not want to be totally
irresponsible in something that we might go on some special
project.

Senator Muskie. Now, with respect to your second question, if it sufficient in and of itself is an admission that there is some degree of control that would be imposed by virtue of some analysis

1 really they do differentiate.

2 So you have something that says that we have a
3 product which

4 is doing some other economic benefit that we want
5 to apply

6 Another position, I do not want to go into going to
7 discuss what we do and do not do.

8 Senator Muskie. This is what my sense of justice
9 is either out of sheer bluff, that if you say available
10 technology, that is the only test, but some will say it is
11 available, but not at a cost that we are willing to pay in
12 support in our operation.

13 It may be reasonable overall in the industry, but none
14 that is not a test of this legislation.

15 Mr. Billings. The way I read both drafts is that
16 draft the public health and welfare is protective.

17 Senator Muskie. In (a), (b) and (c), unless I am
18 this wrong the trigger to get down to (c) is the commercialization
19 of technology?

20 Mr. Billings. If we talk about availability of tech-
21 nology in the terms Senator Pensen describes it, or as used
22 in the report on clean air describes it, you are talking in
23 terms of economic factors. Whatever those economic factors
24 are by, it seems, as if you are providing for protection of
25 the public health and welfare in terms of water quality.
26 Can you make it clearer what that means? Is it available

While I sympathize with the technology writer in a reasonable general way, but when it is in common general use, then I do not think you may protest it, unless its employment in a particular situation, for instance, the client's economic situation.

Mr. Hillings, as a practical matter, I do not think you can generalize that the technology, as you have a claim that was built in 1890 by processes currently available in 1997, and you have 150 disclosed points from that plant, and technology applied to that plant will be highly sensitive to a

Senator Muskie. It will not be good for the country.

The question is, I think, very relevant. (20 sec)
I think I explained myself clearly, but that definition of
available technology, the economic factor was put in place,
that the Administrator cannot require the implementation
of technology which is not in general use, and the strong
point of which was to so confine to be reasonable

application of technology. One is to improve treatment
on the basis of the existing technology. The other is to
pursue the development of new technology. The development
of the latter is facilitated with increasing or decreasing
It might be they were really very good at it in the

1960, and say it was technology designed, and it was
and it shows at some point you will have to do it. And then
you say is doing it by 1980, if we don't give some support
to it--

Mr. Billings. I would like to raise two points on
that.

One, under the Reform Act permit process, where plants
are presently directly discharging into the waterway and
they use, they may go out of business by meeting the secondary
treatment standard.

Secondly, those plants that are not discharging directly
that are going through the municipal system, they will have
a considerable advantage in terms of the costs, especially the
capital costs of providing treatment for their effluent.

Now, thirdly, if those plants are discharging directly,
they will be in kind of trouble, especially the older plants,
the marginal plants.

Senator Muskie. What I would like to ask was whether
if some language could be incorporated into this legislation
on the question of availability.

should be on the question of health, and if the health
bureau shall see first that the necessary information is
alternatives are available, and then there is no question of
economic and social costs bearing on economic water control.

Senator Muskie. I think that would be a good

law about number three.

Senator Murphy. There was one question about the
standard that you suggested.

Senator Muskie. Subparagraph (b) of the water
draft, there is the reference to the national water quality
standard. It is clear that what we are talking about is not
just water shellfish, fish and wildlife.

Mr. Billings. In the Colorado River basin, you cannot
irrigate crops.

Mr. Jorling. We are avoiding for the moment paragraph
(a). Paragraph (a) will have to be rewritten in order that we
handle the National water quality standard.

This revision is more in the nature of a technical
amendment.

In other words, what we have done is request the
states to come in with a status report on the quality of their
waters. We have earlier placed a burden on the Administrator
to file an annual report to the Congress on the status of
the Nation's waters, and this bill requires him to do so.

1 The word "water" has been defined in Section 306 (b) (1).
 2 The word "water" means any body of water, including

3 surface water, but, not, however, a body of water, including

4 (1)

5 (2) is water, that was included because of the

6 the fact that in legislation in Europe, including legislation
 7 which is described earlier, a provision to which we have referred
 8 tremendous comment back from all of the scientific people
 9 around the country that you should not suppose that this
 10 is classification as lakes, but that it would also include
 11 or be included in the description of waters and wetlands
 12 so it is put in here to make it comprehensive in its scope.

13 Mr. Jorling. This Section 306 is for new sources
 14 of pollution, new industrial sources of pollution.

15 This provides that a state, as in the air bill, would
 16 review the location of such facilities in the state, even
 17 though it meets the national standard of performance, to be
 18 sure that the facility will allow an achievement of minimum
 19 of the water quality standards.

20 This goes to where the state implementation plan
 21 dovetail so that the Administrator handles the two together
 22 in the event that one is inconsistent.

23 Senator Buckley. Does the states include the District
 24 of Columbia?

25 Mr. Jorling. Yes, it does.

proposed, and it is not necessary to propose a separate
 action. This amendment is providing an idea for the

the agency. The idea of the use of such methods for
 improving biological monitoring.

The resolution has been raised by a number of members
 in the committee and it is very simple to know at the
 present time about biological monitoring, and the measure
 of availability of equipment and materials of such kind are
 questionable.

We have a provision in the legislation that the
 biological monitoring, and by advice of committee.

Mr. Jorling. On that question, there is a definition
 on page forty-three of Biological monitoring, which has drawn
 some attention from the outside.

I will read the definition.

It says: "The term 'biological monitoring' shall
 mean the periodic sampling of organisms representative of
 levels of the food chain to observe (1) the accumulation of
 pollutants in living tissue and (2) the effects of pollutants
 on the health of organisms."

There have been some suggestions made for alternative
 definitions, but the staff has not reached any position on
 that, but we point out that there is this definition.

Senator Turney. Could I raise a point, at the same time
 you talk about intergovernmental cooperation, and you talk

There is a secondary question which arises out of a direct requirement on the landowner to do this, and that is the question of the standard of care. The public hearing notice would require the owner of any landowner also place on the proposal made pursuant to it.

I think we will hold off on that until we get the Federal enforcement, because it gets into the area of any elements of the conference proceedings, particularly.

Basically, that would be to take the enforcement in existing law, bringing people together to make some judgments on the situation, to make some judgments on the program.

This is a controversial section, because we have Mr. Billings. And then we have the definition of thermal degradation. Now, this definition, based on quality standard, that is an absolute floor. It has a quality is higher than that on the basis of the North South, the--

Mr. Jorling. It is derived from California existing law. This was administratively developed under of non-degradation, and it is supported by the Commission.

In its implementation each state submitted a statement which was a consistently overriding, and the statement is very much like this one. It was approved by the Secretary at that time. There are some modifications which are the basis of the report on the part of the Commission, and the Commission is now

10 National Institute of Standards and Technology
 11 Standards, page 15-

12 Senator Thomas. Is there not a consensus that
 13 that must be a national standard. That just sets the floor,
 14 does not disallow from the existing variety of levels for the
 15 and tank connections?

16 Mr. Gilliam. This is the intention of the language.
 17 But it will allow the difference.

18 Senator Buckley. Regarding as fact that language, the
 19 intent of using the national standard as the floor, and
 20 you might say is the highest national standard. And you
 21 have one. You could certainly put one little hole
 22 giant over a large river, and have a dam, and still
 23 still be within the classification as least one of the water
 24 reserves, and it has been all spelled out.

25 Senator Muskie. The difficulty with that is the
 26 the national quality standard is the objection. Would you
 27 accept the lower?

28 Senator Buckley. No, this is higher. I am saying
 29 that we could have the language that instead of using the
 30 national minimum standard as the floor, use a standard that
 31 is substantially higher than the floor, so that you cannot
 32 degrade below a certain point.

33 New York happens to have good language even to some
 34 degree, but it is not really as good as the

...and, of course, the fact that the United States has a strong position in the world economy, and that the United States is a major contributor to the world economy, and that the United States is a major contributor to the world economy, and that the United States is a major contributor to the world economy.

Senator Smith: The position is that the United States is a major contributor to the world economy.

Here I do not understand because you say we do not want to be economically stable, so you would not want to be economically stable, and you would not want to be economically stable.

On the other hand, we need to be economically stable, and we need to be economically stable, and we need to be economically stable, and we need to be economically stable.

We should have economic development, and we should have economic development, and we should have economic development, and we should have economic development.

That is the argument we hear from the government. They say you have developed industrial and economic, and you have the benefits without consideration for the environment, and now you are trying to preserve the environment, and you are trying to preserve the environment, and you are trying to preserve the environment, and you are trying to preserve the environment.

THEY WERE WHEN THEY WERE VERY YOUNG, AND THEY WERE
 THE MARRIAGE WOULD BE PERFECT. AND, WHEN I WAS
 MORE THAN ONE THOUSAND YEARS, IT WAS PERFECTLY PERFECT.

I WOULD NOT BE LONG TO REMAIN IN THE WORLD, AND I WOULD
 A MARRIAGE MARRIAGE, REMOVED FROM THE MARRIAGE, AND I WOULD
 ONE HUNDRED, AND THEN YOU WOULD BE, IN MARRIAGE, I WOULD
 BE MARRIED. IT IS ONLY MARRIAGE.

THEY WERE THE MARRIAGE, THE MARRIAGE, THE MARRIAGE
 OF THE TWO IN THE MARRIAGE, THE MARRIAGE, THE MARRIAGE
 THERE IS A MARRIAGE IN MARRIAGE, THE MARRIAGE, THE MARRIAGE
 WHICH WAS MARRIED, THE MARRIAGE MARRIAGE.

THEY WERE THE MARRIAGE, THE MARRIAGE, THE MARRIAGE
 OF THE TWO, THE TWO IN THE MARRIAGE, THE MARRIAGE, THE MARRIAGE
 THERE IS A MARRIAGE, THE MARRIAGE, THE MARRIAGE, THE MARRIAGE
 IN MARRIAGE, THE MARRIAGE, THE MARRIAGE, THE MARRIAGE
 THERE IS MARRIAGE.

THEY WERE THE MARRIAGE, THE MARRIAGE, THE MARRIAGE
 THE TWO WERE WITH YOU.

THEY WERE THE MARRIAGE, THE MARRIAGE, THE MARRIAGE
 THEY WERE THE MARRIAGE, THE MARRIAGE, THE MARRIAGE, THE MARRIAGE
 THERE IS A MARRIAGE, THE MARRIAGE, THE MARRIAGE, THE MARRIAGE
 THERE IS A MARRIAGE, THE MARRIAGE, THE MARRIAGE, THE MARRIAGE

THEY WERE THE MARRIAGE, THE MARRIAGE, THE MARRIAGE
 THERE IS A MARRIAGE, THE MARRIAGE, THE MARRIAGE, THE MARRIAGE
 THERE IS A MARRIAGE, THE MARRIAGE, THE MARRIAGE, THE MARRIAGE

...and, finally, this language policy...
 I have no objection to it. All we need to do is to
 make a very strong case for it. ...
 As we have already noted in the case of the ...
 ...and it is only this ...
 ...as a ...
 ...physical biological ...

...the ...
 ...would not be ...

...the ...
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...the ...

One Staff's participation in the existing language is minimal. It is inadequate in terms of their participation in the collection control process. There is no.

To run the above, you are talking about an auxiliary system, and you might use the main computer system, and the objective is to increase a balanced system, and it will be used as will have to know the word (the) system, and system.

They occur in the definition in specific categories of water use rather than as an objective:

They also mention certain categories of laws that are further defined, and they have categories of goals. Now there is some relationship, and some objectives are to be achieved, so that this language, even if we use it, would, and I do not know if this will work very well, to replace it it is to define the objective in relative terms it is to be achieved.

CHAPMAN: (MUSIC). I AM NOT NEGOTIATING THAT, I AM
pointing out that I have not written the letter because
I would present (thereby) that as well, such as your
timeliness of rate; and so on, that you may have a picture
of-

variables in the equation across the Country as it relates to fish and wildlife?

minuting to do what quality of daily life you are talking
about.

Mr. Billings:

That Committee is not going to be a committee of
 perhaps twelve or fifteen but a committee of perhaps
 about ten or twelve. These would be the

General Committee. They would be the national committee.

General Secretary. And they would be in touch with the

Executive

The primary function of the national committee would
 be to develop a plan, which I suppose that committee would
 take about of an area system, it would be a kind of a
 blueprint, it would be in the form of a

Mr. Billings. I think if you do not say that I think
 this has got to be made to the national committee. The
 of Washington has some classes of standards.

Executive Committee. Now, that is something different from
 we are talking about here.

Now this applies across the board, without going
 into consideration specific problems and specific plans
 entailing specific timetables to them.

That is a different proposition. They have not
 really developed their policy. If that you told me that
 day is correct, they open a can of worms, and I do not know
 they have a general policy if they impose

Mr. Billings. What they are talking about, I think
 is a national plan. They are not talking about that

1 "I think we have to look at the problem."

2 "I think we have to look at the problem. The problem is that we have
3 I have talked, and we have not got a answer."

4 Mr. Billings. "This and the Environmental Protection
5 Agency is seeing a number of the results of the problem
6 concrete coming in."

7 "They are finding out the information is very hard to
8 very hard, but in general it is fairly soft, and they are
9 actually going from the concept of proposing various
10 base levels of treatment, of putting these values on a
11 lines, and leaving the decision up to the regional
12 of the Environmental Protection Agency, and still have
13 decision, based on the regional river basin management
14 and they have abandoned the concept of a national
15 under the treatment program."

16 They are leaving the decision up to the regional
17 administrators of the Environmental Protection Agency, as
18 what should be the national minimum for the particular problem."

19 Senator Muskie. So we get less and less uniformity.

20 Senator Tunney. Would not Senator Muskie's
21 amendment, if you included economic and social issues, be
22 not that be broad enough to apply to industry?

23 Senator Muskie. It may. That is why I have been
24 whether or not we might get something better than
25 might not be a better regulation than we have now.

1 again, and people professing to

2 establish a new order, and the people are saying that
3 you should look at the first paragraph.

4 Senator Eastman. I don't think it is a
5 as a principle, by which a certain would not be
6 I guess that is your position.

7 Senator Eastman. Let me ask you just one more
8 it the other way. You say if the price of the commodity
9 bears no reasonable relationship to the benefits, it is
10 different than saying the economic feasibility of the
11 and?

12 Senator Eastman. I think it is. We have some
13 economic and social costs.

14 Senator Eastman. Social and economic feasibility?

15 Senator Eastman. I think the word is no economic
16 relationship is more than a feasibility. It has to be.

17 Senator Eastman. I will be frank to say my impression
18 is different than economic feasibility. Now that I look at
19 it.

20 Mr. Jorling. I do not think that this goes to economic
21 feasibility, which is almost a prior determination of
22 thing, as to how much you are going to spend to do something.

23 This one says you are going to be there. Before that
24 come in and state that there are costs, economic, social,
25 and social reasons, and it should be so. The social costs

which had called attention to the other situation.

Senator Muskie. One of the things is that

Senator Kennedy. I think that there is a great deal of
 some movement like this at the moment to make it possible
 to have, and I would like to suggest some changes.

Senator Kennedy. I do not think the matter is going to
 to be in the Administration.

I think the Bureau of Economic Warfare is going to be
 and the second thing is, some of the things that are
 like to be in the social, economic, economic and social
 benefits.

On both about economic and social, and I think that
 in the scale. You weigh the economic costs, and in the
 the social costs, and I assume when you talk about
 costs, you talk about divergence of interests between
 ourselves, and I think that is the point that could be made.

Senator Muskie. You are talking about benefits that
 will apply to both sides, and what you are saying is that
 balance social and economic costs against social and economic
 benefits, which is what the balance would be.

Mr. McNamara. The only problem with this is that it is
 difficult technical problem where the money is used in the
 very way of pursuing social and economic costs.

One of the things we have been saying is that we
 are people in generalizing, or generalizing about the

SENATOR TUNNEY. That would be of great benefit.

SENATOR MUSKIE. It is a matter of quantity or quality.

SENATOR TUNNEY. It would be of great benefit to the people of the United States.

SENATOR MUSKIE. Yes, and it is small, it is a small amount and a small sum.

SENATOR MUSKIE. I certainly support that.

SENATOR MUSKIE. I think the benefit would be of the kind that the language of the whole committee.

SENATOR TUNNEY. A suggestion made by Senator Bentsen was that by reading the language, that the committee should consider relevant economic considerations, and should approve standards, unless economic and social conditions, and so on.

I think this shifts the burden, and you have the balance of economic and social, of both the costs and the benefits, and I find it very difficult to strongly argue against this.

SENATOR BENTSEN. With that kind of language, and Senator Tunney's amendment, I think it is very difficult to argue.

SENATOR MUSKIE. The staff tells me we have to get out of this room in five minutes. We have another session 1826.

to come in and discharge its effluent into the river, and I would like to see just how far we can get together with these two friends and develop an answer, and to get together something that will be so that we can now see in the future.

I am not suggesting we have agreed on anything. I am just suggesting we have some far enough so we can get in a single draft some time that we can then look at and discuss more closely.

Senator Bell. Does this mean a point source can discharge into the river, if the river has some minimum standard, whereas at another point, a similar discharge could not discharge, because the river was not up to the national standard?

Senator Muskie. I do not believe so, unless it is reasonable. It is conceivable, I suppose.

Senator Tunney. Under the implementation plan, you would have certain criteria established, with a far greater degree of specificity than you have under the national standards, so it would be my assumption, under the legislation, as they are developing, that the Administrator, by making decisions on the discharge of sewage into a river, even if that discharge would not lower the quality of the river to the national standard.

Another fact is 2007. The other fact is

The business of the State is that it is a

State

It seems to me that the business of the State is to
 it seems the business of the State is to
 business of the State is to be a business of the State,
 people, and it is not a business of the State
 and it is something else to be a business of the State

to be a business of the State is to be a business of the State,
 would be to be a business of the State

Business of the State is to be a business of the State

Business of the State is to be a business of the State

Business of the State is to be a business of the State
 and, I would think that a plan, like the State of the State,
 the State of California could be a business of the State
 business of the State is to be a business of the State
 the business of the State is to be a business of the State

Mr. Billings. This is essentially the California
 State.

Mr. Justice. First of all, if you do not have a
 sufficient justification, you do not have an enforceable action
 against the business source.

That is the first requirement.

The second one that California has adopted and, that
 the State of California has adopted, is to be a business of the State

would want that to be an arbitrary limitation, and that would probably not be true in a limited way. It is really a limitation, and the normal arbitrary limitation included in the plan, however they do not want to change the effluent limitation and a polluter.

They want to have those established as part of the implementation plan in a way, so that the Administrator can review them in the context of the overall plan. But as a matter of law, they do not want them to be a part of the plan, but simply a requirement that in the plan they have them, so then can change them to upgrade them.

For instance, several months ago, on two sized basins, they went to no discharge requirements. That said we have to go through their Administrator with a document like this, with public hearings to change effluent requirements, so if they have a requirement to oppose effluent limitation, but rather than them be part of the plan, be independent of the plan.

Senator Muskie. Why could you not have instead of that a permit to change that limitation upward, not down, not notify the Administrator of the action taken, so there is a record of the changes that took place.

Would that do it?

Well, maybe I am raising a question that will be not paid much attention to be sure while discussing the

...of time limitations, and that is the point.

Mr. Tunney. Now, the first limitation I am all for imposing on the limitations. I think it is somewhat useful.

And if he you are willing to do, I think you put that lesson out of the program. There are others on now.

If you are not going to have it, you are not going to get all the information you would like to have. I think you ought to focus your attention across the board at some point on the adequacy of this time limitation. Let's begin for it.

In four months you can do a lot.

Mr. Billings. Mr. Chairman, the Staff has a written timetable which we have discussed with the Administration, and we tried to establish timetables that would keep people with their feet to the fire, while at the same time we agreed that the timetable was not wholly unreasonable, and that is simply that it would be ninety days for the administration to promulgate regulations, promulgate water criteria, and--

Senator Tunney. How tough a job is that?

Mr. Billings. Most of the water fall criteria ~~remains~~ is done, and it is basically a matter of finding out what the objective of the Act is to be, and writing out the response.

We would then have ninety more days.

11. It would be fairly easy, and I think we can make certain
 12. of this in many of the States, to make certain.

13. The State of New York, for example, already has a
 14. of pure water standards for all of their water supplies.
 15. They know what the existing water quality is, they know what
 16. the water quality standard is, the national water standard
 17. and the national water quality standard.

18. Mr. Jordan: That includes interstate?

19. Mr. Billings: That includes forty-four States.

20. Mr. Norling: In some of the proposals, similar to
 21. the Administration's bill, they would set standards for
 22. ground water.

23. We simply provide controls to protect ground water
 24. quality, because of the fact some states individually (some
 25. hold title to ground water, and that kind of thing, and we did
 26. not want to get involved into the question of jurisdiction
 27. of groundwater, so that is one of the distinctions.

28. Senator Buckley: Should not ground water be excluded
 29. from the provisions of 2(C)?

30. Monitoring, I understand monitoring ground water is
 31. rather difficult.

32. Mr. Billings: There is a limitation. They say
 33. inventory of ground water quality, it will be very difficult
 34. to determine the extent to which effluents, and so on, of the
 35. effects on ground water, but we are calling for regulations of

There are I suspect many sources in which these values are probably similar to a higher degree than their knowledge of the surface water.

Senator Bell. In this question of delay, the first place to review state standards is in the two next, for example, on pages nineteen, twenty, twenty-one, the administration is given four months in which to determine after the date required for submission of any implementation plans under paragraph (1), approve or disapprove such plans or any portion thereof.

The states cannot be expected to prepare the implementation plans called for within a very short period of time.

Senator Muskie. Let me suggest this. I think that
the need is for the staff and the Administration to get together
and see if they can agree to the various timetables, and
what is obsolete on this area.

Mr. Billings. His point is approval, not that an additional ninety days or ninety accommodate the labor, or follow the statute.

In other words, give parents the approval, and parents
will come along after.

Bobert Muehle, May I suggest you reduce this description of the functions to one or two sheets of paper, and have it ready for distribution?

Mr. Billings. All right.

Senator Maske. We would like to see the whole

Mr. Billings. As I say, there is one error in the timetable, in which there is disagreement. There are also questions in terms of the timetable relating to the timetable for implementation plans to the deadline for implementing the national standard.

These are two different things, and you get different interesting problems.

Senator Muskie. I am beginning to see that.

There is no popular opinion of that kind. There have been
 testimony, and they go out to policy and something similar.
 you think, that is another thing. It is not the same as
 is important in the policy, for it is something that goes
 to this level of discussion.

Senator Phelan: So what you do not think an
 investigation?

Mr. Jorling: On that everything continues. It
 effect.

Mr. Billings: The additional difficulty is on the
 average the ground of testing standards assignment in the
 55 Act should be completed in 1974. Some states are talking
 about completing 1976, 1977.

The timetable we are talking about, this one something
 the next go round of 1977, so that gives you an obvious
 contrary--

Mr. Jorling. We will have to wait to see how the
 permit programs bear on this question.

Another batch of timetables come as a result of any
 permits that are issued.

Senator Buckley. I had one little thing here that had
 to do with this definition of discharge.

Are we sure, at the bottom line, line forty-seven, we
 impose obligations on owners that are operators. and so on

If we gave two dots in a per. that could be a discharge

Senator Jorling. Now, you are proposing an act which

for the country, just some business, no really

business. If we are discussing some of the
business of themselves. Some policy, it is possible to
business.

and then on the part of the business, it seems
to me that either we do or do not control disposition of your
solid wastes.

Mr. Billings. You want to put a period after
Senator Buckley. Yes.

Senator Muskie. What disposition are you speaking of

Senator Buckley. I was curious about the disposition

Senator Muskie. I am talking about the waste.

Mr. Billings. As you know, the regulation of the
disposal varies, especially into the ocean, and this would
provide a regulatory mechanism of those things generating
removal of effluent.

Mr. Jorling. I think we can strike the word
solid.

We do have a continuing or increase of pollution as a
result of removal of pollutants from air emission sources.
Great quantities of ash, sludge, kinds of things that are
being generated. And the way to handle it would be to

...and the fact that...

...and the fact that...
 ...and the fact that...
 ...and the fact that...
 ...and the fact that...
 ...and the fact that...

Mr. Billings. Yes, I would like to know
 Mr. Jorling. I think if we take the matter into
 affect later quality, we could get that first national review
 and then we could --

Mr. Rogers. When I discussed this, I thought that was
 the way we emphasized the fact that we had a wide range of
 problems, and except for this, there would not be an adjustment
 of the problem of what you do with that village.

Senator Buckley. I think that is something that is
 some ways--

Senator Tunney. It is rather interesting how you
 are going to solve that problem that Senator Buckley has
 raised for paragraph (f).

Does anybody have any suggestions?

Mr. Jorling. I think what it means, if you have
 a small area of landfill--

Mr. Billings. No, he means discharge sources.

Senator Tunney. On the enforcement, you have got that --
 with money, but the right of entry: the Administration would like
 to see that that is not done.

21 There is not an incident of anyone in the community
22 doing it.

23 What do you think about people in general?

24 Mr. Keeling. So far as I know, it is a general
25 point source. And dealing with point sources--

26 Director Keeling. Does anyone know?

27 Mr. Williams. We will have to have some testimony
28 because this obviously gets into some individual rights.

29 Mr. Keeling. There have been several proposals made
30 for additions to the implementation plan regulations, and on
31 this sheet were some that were scratched out.

32 I might draw your attention to the third one in the
33 sequence. It establishes a total maximum daily load for
34 mercury in state and intra-state waters, and so on.

35 In the Delaware River Basin Commission, and other
36 advanced water pollution programs, for certain kinds of
37 pollutants, they can calculate out for the river what the
38 total volume can be tolerated, and to calculate that out,
39 and then apportion it out among discharge sources, so that
40 this would do is require for those pollutants, the Adminis-
41 trator determines through analysis what kind of allocation
42 can reach the water, and it requires an implementation plan
43 to do that.

44 Now, I am not sure every state could come up with
45 that kind of analysis, and that kind of time required to do

being everything, would you know, Mr. Meyer, you would know?

Mr. Meyer. To make sure that we are not appropriating monies just for funds appropriated under my part of the bill would be good, under any authorization of this sort as to a level of statutory authorization.

Senator Buckley. That puts your individual responsibility back in shape, so you got to have some kind of certainty.

Mr. Meyer. What I am saying is any funds appropriated under the Act can be used for any purpose under the Act, up to the limit of the specific authorization for the various kinds of things.

The trouble with too much discretion, say if there is an appropriation of say \$15 million to carry out any part of the Act, and the Administrator decided he will use it all for this, you have to make an allocation in terms of what will be provided here.

Senator Tunney. Mr. Meyer's suggestion contradicted it quite adequately.

You would make monies available under the Act for any specific program of the Act, up to the amount that is specified, for such program?

Mr. Meyer. Instead of a line item appropriation, you would have a line item appropriation for the entire water quality program, and

18 He is referred what we have been asked to find out and found
19 with Appleville.

20 We have been informed by Ellenton, and he tells you
21 you need it known, and will you find anything in the Appendix
22 money is appropriated for the act, and the Administration will
23 assure that everything is taken care of.

24 Section 1001. Is there anything further by way
25 item?

26 We will adjourn at this time, so the Committee stands
27 in recess.

28 (Whereupon, the Committee was in recess at 5:25 o'clock
29 P.M.)
